

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DONALD L. CALVIN,

Plaintiff,

v.

BILL ELFO, et al.,

Defendant.

CASE NO. 2:20-cv-00866-RSM-BAT

**ORDER STRIKING MOTION FOR  
RETURN OF PAPERS AND  
EXTENSION AND DIRECTING  
PLAINTIF TO UTILIZE  
ELECTRONIC FLING**

On November 9, 2020, the Court received via U.S. Mail plaintiff's motions for emergency return of his papers, and extensions of the time to respond to defendants and to complete discovery. Dkt. 26.

Plaintiff is a prisoner of the Washington State Department of Corrections. Since plaintiff initiated this lawsuit in May 2020, he has disregarded the Court's General Order that requires him to file all pleadings electronically. Plaintiff submitted his proposed complaint on May 28, 2020 via the U.S. Mail. Dkt. 1. On June 9, 2020, plaintiff was advised he must comply with the Court's General Order and file all pleadings pursuant to the Prisoner E-Filing Initiative. Despite this advisement on July 9, 2010, the Court received via U.S. Mail a letter from plaintiff about his deficient IFP application. Dkt. 5. On July 10, 2020, the Court received a motion from plaintiff via U.S. Mail requesting he be relieved from filing pleadings electronically. Dkt. 6.

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1 On July 13, 2020, the Clerk issued another advisement directing plaintiff to comply with  
2 the E-Filing Initiative and to file all pleadings electronically. On July 17, 2020, the Court denied  
3 plaintiff's motion to be relieved from the requirement he file all pleadings electronically. Dkt.  
4 10. On July 30, 2020, the Court received via the U.S. Mail, a letter from plaintiff and a motion to  
5 reconsider the Court's order that plaintiff must file all of his pleadings electronically. Dkts. 12,  
6 13. The Clerk again advised plaintiff he must file all pleadings electronically. On August 13,  
7 2020, the Court denied plaintiff's motion for reconsideration. Dkt, 20. The Court received the  
8 present motion on November 9, 2020 by U.S. Mail. Dkt. 26.

9 Plaintiff's present motion directly violates the Court's General Order requiring plaintiff  
10 to file all pleadings electronically, and the Court's specific order denying plaintiff's motion to be  
11 relieved of the requirement and directing him to file his pleadings using the E-Filing Initiative.  
12 Dkt. 10. Prior to filing the present motion, plaintiff was fully aware he must file all of his  
13 pleadings using the E-Filing Initiative procedures having been so advised by the clerk on  
14 multiple occasions and also by filing motions that he be relieved of the requirement. Despite this,  
15 plaintiff has consistently disregarded the clerk's advisements and the Court's Order. A party's  
16 disobedience of a specific and definite court order is contemptuous and may expose that party to  
17 sanctions.

18 The Court accordingly ORDERS:

- 19 (1) The Clerk shall STRIKE plaintiff's improperly filed motion, Dkt. 26.  
20 (2) Plaintiff must file all pleadings in conformity with the District's E-filing  
21 Initiative.  
22 (3) All pleadings filed by plaintiff that fail to conform with the District's E-filing  
23 initiative shall be summarily stricken.

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1 (4) The continued violation of this order that plaintiff file all pleadings be filed in  
2 conformity with the District's E-Filing Initiative may be grounds to impose sanctions against  
3 plaintiff.

4 (5) The Clerk shall provide a copy of this order to the parties and assigned District  
5 Judge.

6 DATED this 12<sup>th</sup> day of November 2020.

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BRIAN A. TSUCHIDA  
Chief United States Magistrate Judge